IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 175/2002
(Sukhvir @ Sugani Vs. State of Rajasthan)

Date of Order : 18/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Shankar Rajpurohit for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 24.7.2000 passed by Judicial Magistrate, Udaipur (South) (for short 'the trial court' hereinafter), whereby the trial court took the cognizance of the offences under Sections 420 and 406 IPC.

I have heard learned counsel for the petitioner and the public prosecutor. Perused the order impugned and the material available on record.

On a report lodged by complainant, the police investigated the matter and filed challan against the present petitioner for the offences noticed above. From the material available on record, it prima-facie appears that the petitioner

dishonestly and fraudulently induced the complainant to part with the property sheep assuring the complainant party to pay the amount, which subsequently, he did not pay and therefore, the complainant came with a case that the petitioner committed the offence of cheating as also criminal breach of trust by not returning the property sheep.

On careful perusal of the challan papers, in my view, there is prima-facie ground to proceed against the present petitioner for the offences noticed above and therefore, it cannot be said that the order impugned taking cognizance would result in serious miscarriage of justice or abuse of process of any Court warranting interference in the inherent jurisdiction.

The criminal misc. petition has no force and it is, therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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